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PATENT

ATTORNEY DOCKET NO.: 040894-7000

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Yoshinobu IMOTO

Application No.: 10/784,805

Filed: February 24, 2004

For: **DVD PLAYER AND OPTICAL DISK  
REPRODUCTION APPARATUS**

Confirmation No.: 1179

Group Art Unit: 2621

Examiner: O. Adegeye

Commissioner for Patents

**Mail Stop AF**

Arlington, VA 22314

07/31/2008 JADD01 00000000 500310 10784805  
41 FC:1203 1050.00 DA  
02 FC:1401 510.00 DA

Sir:

**NOTICE OF APPEAL TO THE BOARD OF  
PATENT APPEALS AND INTERFERENCES**

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the decision of the Examiner's **FINAL** rejection dated February 1, 2008 of claims 1-13.

1. Extension of Time

[X] Applicant petitions for an extension of time, the fees for which are set out in 37 C.F.R. § 1.17(a), for the total number of months checked below:

<u>Total Months Requested</u>	<u>Fee for Extension</u>	<u>[Fee for Small Entity]</u>
[ ] one month	\$ 120.00	\$ 60.00
[ ] two months	\$ 460.00	\$230.00
[X] three months	\$ <b>1,050.00</b>	\$525.00
[ ] four months	\$ 1,640.00	\$820.00

[ ] Applicant believes that no extension of time is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition and fee for extension of time.

[ ] An extension for \_\_\_\_ month has already been secured and the fee paid

[ ] A check including the cost of \$ \_\_\_\_\_ to cover the extension of time fee is enclosed.

[ X] The Commissioner is authorized to charge necessary fees for such extension of time to Deposit Account No. 50-0310.

2. Notice of Appeal Fee - 37 C.F.R. § 1.17(b)

[X] The Appeal fee of \$510.00 is to be charged to Deposit Account No. 50-0310.

[X] The Commissioner is authorized to charge \$1,560.00 for the Notice of Appeal Fee of \$510.00 and the two-month extension of time fee of \$1,050.00 to Deposit Account No. 50-0310.

3. Constructive Petition

[X] **Except** for issue fees payable under 37 C.F.R. §1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. §1.16 and §1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account 50-0310. This paragraph is intended to be a **CONSTRUCTIVE PETITION FOR EXTENSION OF TIME** in accordance with 37 C.F.R. 1.136(a)(3).

Respectfully submitted,

**MORGAN, LEWIS & BOCKIUS LLP**

By:

  
Robert J. Goodell

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Dated: July 30, 2008

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